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OFFICE OF PETITIONS

In re Application of :
Raymond D. Zagranski et al. :
Application No. 10/694,973 :
Filed: October 28, 2003 :
Attorney Docket No. (49366) 58917 DIV :

ON PETITION

This is a decision on the petition filed August 19, 2005, under 37 CFR 1.181. to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on July 21, 2004 for failure to file a timely response to the non-Final Office Action mailed April 20, 2004, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed June 30, 2005.

Petitioner asserts that a proper response, was filed on September 16, 2004 with a two month extension of time request. In support, petitioner submits a copy of the reply said to have been filed, but not acknowledged, with the U.S. Patent and Trademark Office, which also includes a certificate of mail, dated September 16, 2004, pursuant to 37 CFR 1.8, and a copy of the post card receipt date-stamped by the USPTO on September 20, 2004.

The evidence submitted corroborates a timely response to the non-Final Office Action. In fact, the fee for the two month extension of time was properly applied to the finance account for the above referenced application on September 20, 2004. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3661 for appropriate action on the amendment filed September 16, 2004, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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Office of Petitions